



City of Santa Barbara California

II. A.

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: August 24, 2017
AGENDA DATE: August 30, 2017
PROJECT ADDRESS: 1215 Calle Cerrito (MST2016-00552)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Jessica W. Grant, Acting Senior Planner
Andrew Perez, Planning Technician II

I. PROJECT DESCRIPTION

The 9,840 square foot site is currently developed with a 1,073 square foot single family dwelling and a 380 square foot garage. The proposed project involves permitting of the following: an "as-built" conversion of a 180 square foot roof deck over the garage into habitable space, an "as-built" conversion of a window to a sliding glass door on the rear elevation, an "as-built" change to the staircase leading to the main entry, and a minor interior remodel. The proposed project is 54% of the maximum floor-to-lot area ratio (FAR).

The discretionary applications required for this project are:

1. Front Setback Modification to allow the "as-built" conversion of a front porch into habitable space to encroach into the 35-foot required front setback (SBMC §28.15.060 and SBMC §28.92.110) and;
2. Interior Setback Modification to allow the "as-built" French doors to encroach into the required 15-foot interior setback (SBMC §28.15.060 and SBMC §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301, Existing Facilities, and 15305, Minor Alterations to Land Use Limitations.

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to the findings in Section V of this Staff Report.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Ginger Andersen	Property Owner:	Ginger Andersen
Parcel Number:	041-120-015	Lot Area:	9,840 sq. ft.
General Plan:	Low Density Residential (Max 1 du/acre)	Zoning:	A-1
Existing Use:	Single-Family Residence	Topography:	54%

Adjacent Land Uses:

North – Single Family Residence	East – Single Family Residence
South – Single Family Residence	West – Single Family Residence

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,073 sq. ft.	1,253 sq. ft.
Garage	380 sq. ft.	380 sq. ft.

C. PROPOSED LOT AREA COVERAGE

Building: 1,400 sf 14% Hardscape: 150 sf 2% Landscape: 8,290 sf 84%

IV. DISCUSSION

The project proposes to permit an “as-built” enclosure of a 180 square foot roof deck to create a sunroom, an “as-built” alteration to the staircase from the street level to the main entry, and convert a window into French doors. When the house was built in 1960 it met both the front and interior setback requirements. The building permit (#19390-2) issued to construct the house noted the R-1, One-Family Residence Zone, setbacks with a required front setback of 10 feet and a required interior setback of 5 feet. The front setback requirement at the time was 15 feet, but a 5-foot reduction was allowed when the average natural slope of the front half of the lot is more than a one foot rise in seven feet. Although the property was zoned R-1 at the time it was built, it has since been re-zoned to its current A-1 zoning designation. The house is now legally nonconforming to both the front and interior setback requirements in the A-1 zone which are 35 and 15 feet, respectively. The opposite side of Calle Cerrito remains zoned R-1 that has front setback of 20 feet for the upper story of a building, a garage that backs out onto the street, and an interior setback of 5 feet.

The current zoning ordinance requires parcels in the A-1 zone to have a minimum lot size of one acre, or 43,560 square feet. By comparison, the subject property is only 9,840 square feet, or .23 acres. In addition to being a lot that is undersized for its zoning designation, the property has an average slope of 54 percent. Together, the size of the property in relation to the extent of the required setbacks, and the site topography, limit the available options for conforming additions to the property.

Front Setback Modification

A Zoning Information Report inspection was conducted in 2015, and revealed the unpermitted enclosure of the deck above the garage. The applicant has provided photos that show the deck has been enclosed since at least the late 1970s. The deck enclosure is beneficial because it adds square footage to a modestly sized house, which would be difficult due to site constraints present on this property. The enclosure of the deck also does not increase the encroachment into the front setback, and therefore is not anticipated to adversely impact the visual openness of the streetscape.

There is also a staircase to the east of the garage that leads from the street level to the main entry. The archive plans show the entrance to the staircase from the east, but the staircase has been reconfigured from the west near the garage. This was done by flipping the lower portion of the staircase closer to the garage. The reconfiguration is beneficial because it provides direct access to the main entrance from the garage.

Interior Setback Modification

The proposal to permit the “as-built” deck enclosure and conversion of a window to a door require a modification because the enclosure of the porch and existing window encroach into the 15-foot required interior setback. The enclosure of the deck adds 90 square feet of new floor area in the setback. The western wall of the porch enclosure is built along the same plane as the house, located 5 feet from the interior property line. The house was constructed with a single door on the rear façade along with two windows on either side. The project proposes to convert the window closest to the western interior property line to a door.

Staff is supportive of this request because the neighboring house to the west is located 18 feet from the interior property line. Due to the distance from the interior property line, these improvements are not anticipated to negatively impact the neighboring property despite the new floor area in the setback. Additionally, the proposed door will be open to the rear of the property, negating any potential adverse impacts to the adjacent property.

Design Review

This project was reviewed by the Single Family Design Board on January 9, 2017, and the Board had positive comments about the project and found that the modification conforms to development in the neighborhood.

V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds:

1. The Front Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The “as-built” enclosure of the deck and alterations to the entry staircase are appropriate because they allow a reasonable improvement on a lot constrained with larger than usual setbacks for a lot this size and a steep average slope. The alterations do not increase the existing nonconforming situation and are not anticipated to adversely impact the visual openness of the street frontage.
2. The Interior Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The “as-built” deck enclosure and conversion of an existing window to a door are appropriate because they allow a reasonable improvement since the deck enclosure was built in-line with the existing dwelling, and the distance between dwellings will negate any potential adverse impacts to the adjacent property. The conversion of a window to a door is appropriate because the door opens to the rear of the property and is not anticipated to negatively impact the adjacent property.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated July 13, 2017
- C. SFDB Minutes, dated January 9, 2017

Contact/Case Planner: Andrew Perez, Planning Technician II
(ACPerez@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4559



City of Santa Barbara California

*** SEPARATELY DISTRIBUTED SITE PLAN ***

Exhibit A: This site plan for this Staff Report has been distributed separately. A copy of the Staff Report, site plan, and exhibits/attachments are available for viewing at the Planning and Zoning Counter at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

Please check the City Calendar at www.SantaBarbaraCA.gov to verify closure dates.

EXHIBIT A

July 13, 2017

City of Santa Barbara
Community Development - SFDB
630 Garden Street
Santa Barbara, CA 93101

RECEIVED

JUL 13 2017

**CITY OF SANTA BARBARA
PLANNING DIVISION**

Subject: Modification Request for 1215 Calle Cerrito (APN 041-120-015)

Dear Staff Hearing Officer:

Thank you to staff for assistance so far with legalizing the 180SF addition. This letter is included to provide background and additional required information for this purpose. Photos are attached and plans are provided herewith.

Please note that we have received positive comments from the SFDB as well as in writing from at least two of our neighbors (including the most immediate and affected neighbor) that the house as-is (the request of the Mod to allow to remain), is consistent and appropriate for the neighborhood.

More simply put, the requested modifications are to allow the house to remain as is and as is supported by the neighbors.

1. Detailed statement describing the existing situation and the proposed project:

I am requesting a Modification to allow an existing room of the house to remain as is. The area is a 9' by 20' as-built enclosure of what was originally a front porch located above the garage. The proposal would require approval of modifications to the front and side yard setbacks for the added space. I am also requesting modification (if necessary) to allow for a window at the rear of the house that is now a sliding glass door (and proposed to be changed to a French door).

1215 Calle Cerrito was built in 1964 as one of three houses constructed at the same time by the same Contractor. Each was nearly identical as can be seen in the approved plans which show all three houses. These houses are on the uphill side of Calle Cerrito, with steep slopes behind. Given the topography, and the zoning regulations at the time, the house footprints were approved with a 10' setback from the street.

The street level of these three houses is limited to the garage at approximately 19'x20'. The living area of the house is both at-grade (due to the hill), and above the garage simultaneously.

All three of the houses were approved with a 9' by 20' deck immediately above the garage at the front of the house. This deck served as the main landing from which entry to the house occurred through the front door and sliding glass door.

EXHIBIT B

From a dated photograph, we know that sometime before 1978 the front porch of this property was enclosed; See Photo 1. By visual inspection of the adjacent properties, it appears the same strategy was used to enclose these other two (likely by the same contractor) at the same time, converting this to habitable floor area.

As stated earlier, the lot is constrained by the steep slopes (54% slope per City GIS). The City's ordinance has consistently over time included allowances and adjustments to setbacks for buildings on steeper sloped lots in order to allow reasonable development. At approximately 1250 square feet total - including the enclosed porch, this is certainly a reasonably sized - if not an undersized home for this neighborhood.

For comparison purposes in establishing that the proposed size is compatible with the neighborhood:

1230 Calle Cerrito – 1,725 SF
1224 Calle Cerrito – 1,982 SF
1212 Calle Cerrito – 1,316 SF
1206 Calle Cerrito – 1,782 SF
1204 Calle Cerrito – 1,400 SF
1223 Calle Cerrito – 1,642 SF

Many photographs of houses on my street, plus another nearby street (on the mesa) are provided to show consistency with the immediate and greater area.

2. A statement of the specific modification requested and the justification for the request.

- a. Modification to the front yard setback (under current zoning) to allow for the as-built enclosed patio to encroach into the front yard setback and to match the footprint of the garage below.

At the time the house was built, Ordinance 2585 was in effect that allowed in section 9.03 "where the average natural slope of the front half of the lot is more than one (1) foot rise or drop in seven (7) the front yard may be reduced to ten (10) feet." The garage footprint was consistent with this setback requirement, as would have the enclosed patio at that time.

- b. Modification to the interior yard setback (under current zoning) to allow for the as-built enclosed patio to occur in the interior yard setback and to match the footprint of the garage below.
- c. To allow a window change to a door at the rear of the house.

Similarly to the above, the code (Ord 2585) at the time allowed for a 5' side yard setback under the zoning at the time. The garage and west elevation were built to the 5' setback line. This second mod is to allow the additional space of the enclosed patio to be in line with the rest of the house, observing this same 5' setback distance.

The benefit of allowing the modification is to allow the house to stay uniform with the two adjacent homes without further disruption to the neighborhood. In stark contrast, some requirement to remove or adjust the house to return this living area back to patio area would be unnecessarily disruptive to all parties.

Allowing the mod would benefit in that the house size would be more in touch with the other house sizes in the neighborhood, allowing for us to enjoy the same enjoyment of our property as others in our neighborhood. Removal would be disallowing our similar use and enjoyment.

It should also be noted that the foundation of the house already includes the garage exterior walls below the enclosed area, and therefore the enclosure of the patio will not require any foundational changes or grading/excavation of any kind.

No change to the use or configuration of the house is proposed. The modifications would allow for existing conditions to remain on site.

REQUEST FOR WAIVER OF DOUBLE FEEES

It is my hope that payment of double fees for this modification can be deemed unnecessary considering that:

- 1) We the current owners did not construct the violation
- 2) The violation has existed since 1978
- 3) It is not clear that the addition was in conflict with any rules in effect at the time of construction
- 4) The additional fees will not be needed by staff to process this case in any way as it is straight forward and the regular fee should more than cover the cost of staff time.
- 5) An additional \$1,600 via doubling of the mod fees is a financial burden that puts us at risk for not being able to complete the process.
- 6) There is no health or safety concern involved
- 7) The abatement of violations should not be a vehicle for profit by the City.

I am happy to provide any additional information that may be helpful for this discussion. I appreciate your time and consideration. I can be reached at (805) 260-8392 or by email Andersen.ginger@gmail.com

Thank you,

Ginger Andersen, MCRP AICP
Owner, 1215 Calle Cerrito

NEW ITEM**F. 1215 CALLE CERRITO****A-1 Zone**

Assessor's Parcel Number: 041-120-015
Application Number: MST2016-00552
Owner: Ginger Andersen

(Proposal to permit the "as-built" conversion of the 180 square foot roof deck to a sunroom over the garage on the second floor and a new French door on the rear elevation of an existing 1,530 square foot single-family residence. The proposed total of 1,710 square feet on a 9,840 square foot lot located in the Hillside Design District is 47% of the maximum allowable floor-to-lot area ratio (FAR). The project will address violations found in ZIR2015-00061 and ENF2015-00214. The applicant requests zoning modifications for new floor area to encroach into the front and interior setbacks.)

(Comments Only; Project requires Staff Hearing Officer Review for a Zoning Modification request.)

Two public comments in support from Robin Yudelson and Dianne Lopez were received and acknowledged.

Continued indefinitely to the Staff Hearing Officer with the positive comment that the modification requests conform with the neighborhood.

< "End Mins." >